



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

September 27, 1990

Mr. Donald W. Lemon
President
Forest Cove M.U.D.
P.O. Box 5146
Humble, Texas 77325

OR90-456

Dear Mr. Lemon:

You ask whether documents revealing customers' billing status as well as water usage are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10470.

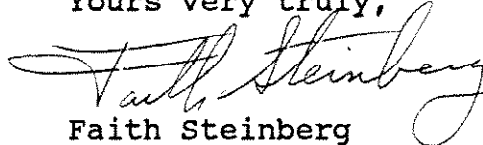
Although you have not specified the exception to the Open Records Act that you wish to claim, it is apparent from your letter that you are concerned that disclosure of the information might be a violation of your customers' privacy. Although this office ordinarily requires the governmental entity requesting an opinion to specify the exception upon which they rely, we will waive the requirement when it appears that section 3(a)(1), excepting material deemed confidential by law, is implicated. See Open Records Decision No. 455 (1987). It is well established that section 3(a)(1) incorporates the tort law of invasion of privacy. See Industrial Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668 (Tex. 1976) cert. denied, 358 U.S. 898 (1958).

Based on prior decisions of this office, we have determined that you are required to disclose the requested records. In Open Records Decision No. 443 (1986) this office ruled that disclosure of customer utility bills, including records of arrearages, is not within the section 3(a)(1) exception as an invasion of privacy. Noting that Industrial Foundation held that information may be excepted on privacy grounds only if it concerns a private fact that is both highly embarrassing or intimate and of no legitimate interest to the public, Open Records Decision No. 443 found that the information revealed in utility bills does not meet this test. "Although the public may have no legitimate interest in private debts, we believe that it has a genuine interest in knowing who owes money to the city." Open Records Decision No. 443 at 4. Because the public has a

legitimate interest in knowing information related to the consumption and account status of Municipal Utility District customers, we find that you must allow the requestor to review the documents at issue.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-456.

Yours very truly,

A handwritten signature in cursive script, reading "Faith Steinberg". The signature is written in dark ink and is positioned above the printed name and title.

Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/le

Ref.: ID# 10470

Enclosure: Open Records Decision No. 443